

JS 44 (Rev. 02/19)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Emmanuel Asante

(b) County of Residence of First Listed Plaintiff Delaware

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

John J. Stanzione, Esq. Lamb McErlane PC  
24 E. Market St., P.O. Box 565  
West Chester, PA 19381-0565 (610) 430-8000

**DEFENDANTS**Community Education Centers, Inc.; and  
GEO Group, Inc.County of Residence of First Listed Defendant Delaware

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §2000e

Brief description of cause:

Race, Color and Ethnic Discrimination

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Emmanuel Asante : CIVIL ACTION

v. :

Community Education Centers, Inc.; and : NO.

GEO Group, Inc.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

June 1, 2020

Date

(610) 430-8000

Telephone

  
Attorney-at-law

(610) 692-0877

FAX Number

Plaintiff Emmanuel Asante

Attorney for

[jstanzione@lambmcerlane.com](mailto:jstanzione@lambmcerlane.com)

E-Mail Address

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1125 Duncan Avenue, Yeadon, PA 19050

Address of Defendant: 500 Cheyney Road, Thornton, PA 19342

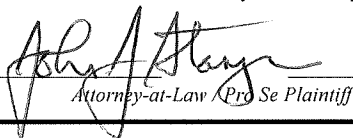
Place of Accident, Incident or Transaction: 500 Cheyney Road, Thornton, PA 19342

## RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.DATE: 06/01/2020


Attorney-at-Law / Pro Se Plaintiff

41175

Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

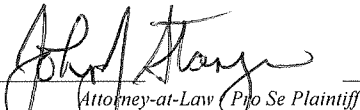
- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases
- (Please specify): \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases
- (Please specify): \_\_\_\_\_

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, John J. Stanzione, Esquire, counsel of record or pro se plaintiff, do hereby certify:☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:☐ Relief other than monetary damages is sought.DATE: 06/01/2020


Attorney-at-Law / Pro Se Plaintiff

41175

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

Emmanuel Asante

V.

Community Education Centers, Inc. and  
GEO Group, Inc.

Civil Action

No: \_\_\_\_\_

DISCLOSURE STATEMENT FORM

Please check one box:

☐

The nongovernmental corporate party, \_\_\_\_\_  
, in the above listed civil action does not have any parent corporation and  
publicly held corporation that owns 10% or more of its stock.

☐

The nongovernmental corporate party, \_\_\_\_\_  
, in the above listed civil action has the following parent corporation(s) and  
publicly held corporation(s) that owns 10% or more of its stock:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

June 1, 2020

Date



Signature

Counsel for:

Plaintiff

**Federal Rule of Civil Procedure 7.1 Disclosure Statement**

(a) WHO MUST FILE; CONTENTS. A nongovernmental corporate party must file  
two copies of a disclosure statement that:

(1) identifies any parent corporation and any publicly held corporation  
owning 10% or more of its stock; or

(2) states that there is no such corporation.

(b) TIME TO FILE; SUPPLEMENTAL FILING. A party must:

(1) file the disclosure statement with its first appearance, pleading,  
petition, motion, response, or other request addressed to the court;  
and

(2) promptly file a supplemental statement if any required information  
changes.



3. At all relevant times herein, CEC has managed and operated the George W. Hill Correctional Facility at 500 Cheyney Road, Thornton, Delaware County, Pennsylvania 19342.

4. The Defendant, GEO Group, Inc. (herein “GEO Group”), is an out-of-state corporation doing business within the Commonwealth of Pennsylvania.

5. As of April, 2017, the GEO Group acquired CEC and thus became the parent corporation of CEC. As the parent corporation, GEO Group has managed and operated the George W. Hill Correctional Facility at 500 Cheyney Road, Thornton, Delaware County, Pennsylvania 19342.

#### **JURISDICTION AND VENUE**

6. This Complaint alleges discrimination in employment on account of race, color and ethnicity and retaliation in violation of the laws and statutes of the United States, specifically Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e et. seq.) as amended by the Civil Rights Act of 1991, Pub.L.No. 102-166. This Complaint also raises pendent state law claims under the Pennsylvania Human Relations Act, 43 P.S. § 951 et. seq. and related state laws. This Court has original subject matter jurisdiction of this case under the aforementioned federal statutes as well as 28 U.S.C. §§ 1331 and 1343. This Court also has supplemental jurisdiction of the state law claims raised by Plaintiff.

7. Venue is proper in the Eastern District of Pennsylvania by virtue of Title 28 U.S.C §§ 1391 (b) and (c) because Plaintiff lives within the boundaries of the Eastern District of Pennsylvania, the incidents in question occurred within the Eastern District of

Pennsylvania, and Defendants have a principal place of business within the Eastern District of Pennsylvania.

8. All conditions precedent to the filing of this Complaint have occurred or have been complied with, to wit, a charge of employment discrimination was filed with the Equal Employment Opportunity Commission (EEOC) at Docket Number 530-2017-03702 and all administrative proceedings before the EEOC have been concluded without resolution. On March 13, 2020, the EEOC issued a Notice of Right To Sue to the Plaintiff indicating the termination of the charge filed with the EEOC. (A copy of the Notice of Right to Sue issued by the EEOC is attached hereto as Exhibit A).

#### **FACTUAL BACKGROUND**

9. At all times relevant hereto, the Defendant employed 15 or more employees.

10. Plaintiff was hired by Wackenhut Corrections Corporation in 1998 to work at the George W. Hill Correctional Facility in Thornton, Pennsylvania.

11. In 2009, the Defendant CEC assumed operation, control and management of the George W. Hill Correctional Facility and Plaintiff became an employee of Defendant CEC.

12. Prior to filing his charge with the EEOC, Plaintiff had been employed by Defendant CEC as a Records Supervisor at the George W. Hill Correctional Facility.

13. Plaintiff is currently employed by the Defendants as a Records Clerk at the George W. Hill Correctional Facility.

14. Since 2009 and up to January of 2017, Plaintiff has applied for various positions with the Defendant CEC that would have been a promotion for the Plaintiff.



15. In or about January 2017, the position of Human Resources Manager with the Defendant CEC at the George W. Hill Correctional Facility in Thornton, Pennsylvania became open and available.

16. In or about January 2017, the Defendant CEC posted the position of Human Resources Manager at the George W. Hill Correctional Facility as open and available and invited individuals to submit applications for such position.

17. On or about January 9, 2017, Plaintiff applied for the position of Human Resources Manager with the Defendant CEC at the George W. Hill Correctional Facility.

18. At the time Plaintiff applied for the position of Human Resources Manager at the George W. Hill Correctional Facility, Plaintiff was employed as a Records Supervisor with the Defendant CEC and was paid by the hour for his services.

19. At the time Plaintiff applied for the position of Human Resources Manager at the George W. Hill Correctional Facility, Plaintiff met all the qualifications that were listed and posted for said position.

20. At the time Plaintiff applied for the position of Human Resources Manager at the George W. Hill Correctional Facility Plaintiff was earning approximately \$40,000 per year as an employee of the Defendant CEC.

21. It is believed and therefore averred, that the position of Human Resources Manager at the George W. Hill Correctional Facility paid a salary of approximately \$85,000 per year.

22. Prior to applying for the position of Human Resources Manager at the



Plaintiff.

30. Plaintiff believes, and therefore avers, that at the time of Ms. Riddle's hiring to the Human Resources Manager position Lisa Riddle had less working experience with the Defendant CEC than Plaintiff.

31. Plaintiff avers that at the time of Ms. Riddle's hiring to the Human Resources Manager position Lisa Riddle had less seniority with the Defendant CEC than the Plaintiff.

32. Plaintiff avers that at the time of Ms. Riddle's hiring to the Human Resources Manager position Lisa Riddle had less seniority at the George W. Hill Correctional Facility than the Plaintiff.

33. Plaintiff believes, and therefore avers, that at the time of Ms. Riddle's hiring to the Human Resources Manager position Lisa Riddle had less of the posted and listed qualifications for the position of Human Resources Manager for the George W. Hill Correctional Facility than did the Plaintiff.

34. On August 18, 2017, Plaintiff filed a formal Charge of Discrimination with the Equal Employment Opportunity Commission (EEOC) and Pennsylvania Human Relations Commission (PHRC) alleging discrimination and retaliation in regards to Defendant CEC's failure to hire the Plaintiff for the position of Human Resources Manager for the George W. Hill Correctional Facility.

35. On February 6, 2018, the Defendant CEC filed a Position Statement in response to Plaintiff's formal Charge of Discrimination.

36. Within that Position Statement, Defendant CEC admitted that Defendant

CEC was Plaintiff's employer at the time that Plaintiff applied for, and was denied the position of, Human Resources Manager.

37. Within that Position Statement, Defendant CEC admitted that Defendant GEO Group acquired Defendant CEC in 2017 and took over the operations of the George W. Hill Correctional Facility at that time.

38. After filing the formal Charge of Discrimination with the EEOC, Plaintiff's title with the Defendants was downgraded from Records Supervisor to Records Clerk.

39. Plaintiff believes, and therefore avers, that Plaintiff's title with the Defendants was downgraded by the Defendants in retaliation for Plaintiff's filing of the complaint with the EEOC.

40. The Defendants continue to refuse to hire Plaintiff to the position of Human Resources Manager for the George W. Hill Correctional Facility.

41. As a result of Defendants' conduct as outlined above, Plaintiff has suffered and will continue to suffer damages and harm including loss of wages and other employment benefits.

42. As a result of Defendants' conduct as outlined above, Plaintiff has suffered and will continue to suffer damages and harm including embarrassment, inconvenience, mental anguish, anxiety, humiliation and other damages for which Plaintiff is entitled to compensation.

43. Plaintiff has previously filed a formal written complaint with the EEOC alleging discrimination and retaliation by the Defendants similar to the allegations set forth

within this Complaint. Such complaint filed with the EEOC was dual filed with the Pennsylvania Human Relations Commission (PHRC).

44. Plaintiff has received a Notice of Right to Sue from the EEOC advising the Plaintiff that Plaintiff has the right to bring a lawsuit related to this matter.

**COUNT I**  
**PLAINTIFF V. DEFENDANTS**  
**VIOLATION OF THE TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**  
**AS AMENDED**

45. Plaintiff incorporates each and every paragraph above as though the same were set forth fully herein.

46. Defendants' actions outlined above constitute discrimination against the Plaintiff because of his race, color and ethnicity in violation of Title VII of the Civil Rights Act of 1964 as amended.

47. Defendants' actions indicated above constitute retaliation against the Plaintiff because of Plaintiff's reports of, and attempts to remedy, the discriminatory conduct of Defendants. Defendants' retaliatory conduct against the Plaintiff is in violation of Title VII of the Civil Rights Act of 1964 as amended.

48. As a result of the discriminatory conduct of the Defendants, Plaintiff has suffered a loss of wages, compensation and other employee benefits and may continue to suffer such loss of wages, compensation and employee benefits in the future.

49. As a result of the discriminatory conduct of the Defendants, Plaintiff has suffered embarrassment, inconvenience, mental anguish, anxiety, humiliation and other

damages for which Plaintiff is entitled to compensation and may continue to suffer such damages in the future.

50. Plaintiff alleges that Defendants' conduct was intentional and was done with malice or reckless indifference to the federally protected rights of the Plaintiff entitling Plaintiff to punitive damages.

WHEREFORE, Plaintiff requests judgment in favor of the Plaintiff and against the Defendants and further requests that the Court enter an award granting Plaintiff back pay, front pay, hiring to the position of Human Resources Manager or similar position, continuation of all job benefits, compensatory damages and other compensation allowed by law. Plaintiff also requests that Defendants be ordered to pay punitive damages to the Plaintiff. Plaintiff also requests reimbursement of attorney's fees, costs and expenses of this litigation and such further relief as the Court deems necessary and appropriate.

**COUNT II**  
**PLAINTIFF V. DEFENDANTS**  
**VIOLATION OF PENNSYLVANIA HUMAN RELATIONS ACT**

51. Plaintiff incorporates each and every paragraph above as though the same were set forth fully herein.

52. Defendants' actions outlined above constitute discrimination against the Plaintiff because of his race, color and ethnicity in violation of the Pennsylvania Human Relations Act, 43 P.S. §951 et. seq. (PHRA).

53. Defendants' actions indicated above constitute retaliation against the Plaintiff because of his report of, and attempts to remedy, the discriminatory conduct of

# **EXHIBIT A**

EEOC Form 161-B (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Emmanuel Asante  
30 North 3rd Street  
Darby, PA 19023

From: Philadelphia District Office  
801 Market Street  
Suite 1300  
Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2017-03702

Legal Unit,  
Legal Technician

(267) 589-9700

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Jamie R. Williamson,  
District Director

3/13/2020

(Date Mailed)

Enclosures(s)

cc:

Elior Shiloh, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
77 Water Street, Suite 2100  
New York, NY 10005

Gary Martoccio, Esq.  
SPIELBERGER LAW GROUP  
202 S Hoover Blvd  
Tampa, FL 33609

Enclosure with EEOC  
Form 161-B (11/16)

## INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

### PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

### PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

### ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

### ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**